

REMARKS

This is a full and complete response to the Office action dated May 31, 2006 and advisory action of November 15, 2006.

All comments and remarks of record are herein incorporated by reference. Applicant respectfully traverses these rejections and all comments made in the Office action. Nevertheless, in an effort to expedite prosecution, Applicant provides the following remarks regarding the cited references.

TELEPHONE INTERVIEW

Applicants and their representatives would like to thank the Examiner for conducting a telephone interview on November 21, 2006. During said interview the **Trepka et al.** (US 6,265,485) ("**Trepka**") reference was discussed in view of the instant claims and the rejection given in the Office action of May 31, 2006. The Examiner indicated that the Application may receive favorable examination if the subject matter of claim 22 were introduced in to claim 17. Furthermore, the Examiner indicated that it may be preferable to amend claim 17 to delete the recitation of "solvent-free" and "composition."

DISPOSITION OF CLAIMS

Claims 17-19 and 21, 23-25, and 30 are pending in the application. Claim 17 has been amended to include the subject matter of claim 22, which as been canceled. Furthermore the preamble of claim 1 has been amended along with claims 18-19, 21, and 23-25. New claim 30 has been added with support found in the Application on page 5, lines 33-35. New claims 31 and 32 were added incorporating subject matter deleted from claim 1. No new matter has been added.

35 USC §103(a) OVER TREPKA IN VIEW OF KNOLL AND HIMES

Claims 17-19 and 21-25 stand rejected under 35 USC §103(a) as allegedly obvious over **Trepka et al.** (US 6,265,485) ("Trepka") in view of **Knoll et al.** (US 6,197,889) ("Knoll") and further in view of **Himes** (US 5,750,622) ("Himes"). Applicants respectfully traverse this rejection.

The **Trepka** reference, which is directed to tapered polymers, was discussed in the previous response filed August 31, 2006, which remarks are respectfully re-asserted by the Applicants.

Applicants further respectfully submit that the instant claimed invention is directed to a hot melt adhesive having a unique block copolymer wherein the B block is a controlled distribution copolymer block. The claimed block copolymer having the controlled distribution B block is not disclosed or suggested by the references cited by the Examiner.

Applicants respectfully assert that the above block copolymer having the controlled distribution B block is characterized by certain physical properties which are now recited in claim 1 for clarification. Such physical properties can be that the block copolymer has a Young's modulus below 25% elongation of less than 2,800 psi (20 Mpa) and having a rubber modulus or slope between 100 and 300% elongation of greater than 70 psi (0.5 Mpa). Applicants respectfully assert that the polymers of the cited references are not controlled distribution copolymers and do not have such physical properties nor are such physical properties disclosed or suggested by the cited combination of references.

Therefore, in view of such clarifying amendments and modification of the preamble, and in view of the telephone interview conducted with the Examiner on November 21, 2006, Applicants respectfully request the 35 USC §103(a) rejection be withdrawn.

NON-STATUTORY OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION

Claims 17-19 and 21-25 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-18 of copending Application No. 10/359,953 to **Wright et al.** (US 2003/0166776) ("**Wright**"). Applicants provide a terminal disclaimer herewith thereby obviating the obviousness-type double patenting rejection. Favorable action is solicited.

35 USC §103(a) OVER WRIGHT

Claims 17-19 and 21-25 stand rejected under 35 USC §103(a) as allegedly obvious over **Wright**. Applicants respectfully traverse this rejection.

Nevertheless, pursuant to 35 USC §103(c), **Wright** is not a proper prior art reference for use under 35 USC §103(a). Applicants respectfully assert that the instant application, Application No. 10/511,992, and **Wright**, at the time the invention of the current application was made, were owned by or subject to an obligation of assignment by the named inventors to Kraton Polymers LLC ("Kraton"). Thus, **Wright** is not a prior art rejection and this rejection is overcome.

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Conclusion

Having addressed all issues set out in the Office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,
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